

Arguments/Remarks

Claims 1-30 are pending in the application, with claims 1, 8-19, 26 and 27 withdrawn from consideration. Claims 2-7, 20-25 and 28-30 stand rejected. With this amendment, claims 28-30 have been canceled. Claims 2-7 and 20-25 are therefore being examined in the application.

Claims 28-30 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,840,942 ("Alink '942") or U.S. Patent No. 5,440,059 ("Alink '059") or U.S. Patent No. 5,034,161 ("Alink '161"). Claims 2-7 and 20-25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Alink '942 in view of U.S. Patent Application Publication No. 2003/0100780 ("Zhang"). Applicants respectfully submit that the pending claims are patentable over the cited references for at least the reasons set forth below.

Response to Rejections under § 102(b)

The Office rejects claims 28-30 as anticipated by either Alink '942, Alink '059 or Alink '161. In this Amendment, claims 28-30 are canceled, without prejudice for pursuing the subject matter thereof at a later time. In view of the cancellation of claims 28-30, this rejection is moot.

Response to Rejections under 103(a)

The Office rejects claims 2-7 and 20-25 as obvious over Alink '942 in view of Zhang. As established by the enclosed Declaration under 37 C.F.R. § 1.131, Applicants' invention was made by the date of March 26, 2003. The date of invention therefore predates the publication date of Zhang, which is May 29, 2003. Consequently, Zhang is disqualified as prior art under 35 U.S.C. § 102(a), although Zhang remains prior art under 35 U.S.C. § 102(e).

Applicants submit that the present application, namely Application Serial No. 10/565,549, and US U.S. Patent Application Publication No. 2003/0100780 ("Zhang") were, at the time the invention of Application Serial No. 10/565,549

was made, owned by Azko Nobel, N.V. As a result, Zhang does not qualify as prior art under 35 U.S.C. § 103(c).

Accordingly, the rejection of claims 2-7 and 20-25 based on the combination of Alink '942 in view of Zhang is improper and must be withdrawn. Furthermore, Applicants submit, and as the Office concedes, the claims of the present invention differ from Zhang '942 for at least the reasons set forth in the Office Action, at page 5. As a result, Applicants submit that Alink '942 alone cannot support the rejection of the pending claims. Claims 2-7 and 20-25 are therefore patentable over the cited references.

Regarding the Declaration under 37 C.F.R. § 1.131, Applicants note that the Declaration submitted herewith includes the signature of only one of the named inventors, as Applicants have not yet obtained the signatures of the remaining two inventors. A supplemental Declaration including the two remaining signatures will be filed as soon as possible.

Conclusion

In view of the arguments set forth above, Applicants submit that the currently pending application is in condition for allowance. Notice to this effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Ralph J. Mancini', with a long horizontal flourish extending to the right.

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Enclosures: Declaration under 37 C.F.R. § 1.131
E-mail dated March 26, 2003 (1 page)
E-mail attachment (8 pages)

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